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Highlands Council Issues Abstract Clarifying Homeowner Exemptions

Chester, NJ- The Highlands Council released an abstract today, *Highlands Act Exemptions to Single Family Dwellings*, which outlines the Act's provisions for homeowner exemptions in the Highlands Region.

One of the most frequently asked questions regarding the Highlands Act concerns the exemptions for single family homeowners. While the Highlands Act limits development activities, it provides four broad exemptions which allow the construction or expansion of single family dwellings.

"The Highlands Council understands that some residents are concerned or confused about how the Highlands Act applies to them," said Highlands Council Chairman John Weingart. "Homeowners should be aware that, in most cases, they can improve and expand their residences without any kind of special Highlands approval."

Four of the seventeen exemptions in the Highlands Act are applicable to single family dwellings:

- The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004 (the date of enactment of the act) or on a lot for which the individual has on or before May 17, 2004 entered into a binding contract of sale to purchase;
- The construction of a single family dwelling on a lot in existence on August 10, 2004, provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more;
- Any improvement to a single family dwelling in existence on August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system; and
- The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use.

Activities that fall within any of the four exemptions outlined above are exempt from the Highlands Act and the New Jersey Department of Environmental Protection. However, it must be kept in mind that such activities are still subject to other law (federal, state, and local).

Highlands Act Exemptions to Single Family Dwellings is the fourth in a series of abstracts being developed by the Highlands Council as part of its commitment to inform the public about the Highlands Water Protection and Planning Act. The abstract provides examples to help property owners determine whether the exemptions for individual single-family homes apply to their particular situation.

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